



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on April 18, 2018**

ATTENDANCE:

- Terrance Daniel—Chairman
- John Kadziolka
- Erika Gabbey
- Thomas Marshall – Alternate (sat on board in Mr. Dylag’s absence)
- Diane Denton — ZBA Secretary

MEETING called to order at 7:30 pm.

A **Motion to Approve** the Minutes from August 16, 2017 was made by Mr. Kadziolka; second to motion made by Ms. Gabbey.

Voice Vote—ALL AYES—**MOTION PASSED.**

**Public Hearing
Area Variance/Pond
Nicole Savage**

8934 Lake Rd., Town of Pembroke
Tax Map #18.-1-67; Zoning District: AG/RES
Required referral to County

Public Present: Yes

PUBLIC HEARING was opened at 7:31pm. The Notice of Public Hearing ran in the Batavia Daily News April 12, 2018, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Savage is requesting an area variance for the installation of a pond on property located at 8934 Lake Rd. for drainage purposes. Due to a high water table, their new home is about 4 ft. above grade and at present the water run-off is creating a “moat” around the house and threatening to kill the surrounding trees. She feels a pond would help to preserve the trees and prevent unmanaged standing water.
- No written comments were received.
- Neighbors were present to find out more about the proposed project and expressed concern about overflow/run-off of water to their properties.
- Chairman Daniel noted that the Zoning Board of Appeals could only concern itself with the setbacks of the pond. If a variance was approved, the proposal would then go to the Planning

Board for a Site Plan review and the application for a Special Use Permit, which is when any potential flooding issues would be considered.

- County approved with modifications: 1) The applicant provide a revised site plan showing pond dimensions and all setbacks to property lines, and given the information provided by the Genesee County Soil and Water Conservation District of suspected Federal wetlands and that endangered or threatened species or their associated habitats are known to be within the boundaries of the project site, 2) the applicant obtain documentation from the New York State Department of Environmental Conservation (DEC) as to the project's impacts on such species and 3) The applicant obtain documentation and/or a permit from the U.S. Army Corps of Engineers for the suspected wetlands. With these required modifications, the proposed pond and variances should pose no significant county-wide or inter-community impact. A neighboring property has a pond with an even smaller setback. Please note that the applicant should amend Q.15 of the Short EAF due to the presence of State-listed bat habitat.
- At this point, Ms. Savage has not supplied specifics as to the dimensions of the pond and its setbacks from property lines. The Zoning Board of Appeals needs to be specific in terms of measurements in the granting of variances. Ms. Savage has contacted the DEC, who were mostly concerned with bats that potentially live in the trees in that area, and the Army Corp of Engineers, who said she needs to find a consultant to do a professional delineation, have that surveyed, and then within 60 days have the Army Corp verify that delineation.
- Ms. Savage agreed to wait to come back before the Zoning Board of Appeals once she has more detailed information.

Motion to leave the Public Hearing open until the board receives more detailed information regarding the size and location of the pond **made by** Mr. Marshall and **seconded by** Mr. Showler.

ROLL CALL VOTE: Ms. Gabbey-Aye; Mr. Kadziolka-Aye; Mr. Daniel-Aye; Mr. Marshall - Aye; Mr. Showler -Aye;

ALL AYES—MOTION PASSED.

New Business: None

Old Business: None

A MOTION to close the meeting was made by Mr. Kadziolka, seconded by Mr. Marshall.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 8:07pm.

Respectfully Submitted,

Diane Denton-ZBA Secretary

These minutes were approved by the Zoning Board of Appeals May 16, 2018